

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

THOMAS WILLIAM SWEARINGEN, et  
al.,

Plaintiffs,

v.

GENERAL MOTORS LLC,  
Defendant.

Case No. [23-cv-04314-SI](#)

**ORDER GRANTING REQUEST FOR  
JUDICIAL NOTICE**

Re: Dkt. No. 14

Before the Court is defendant's request for judicial notice that the United States Environmental Protection Agency ("EPA") estimated that 2020-2022 model-year Chevrolet Bolts have a total range of 259 miles, in support of its motion to dismiss plaintiffs' complaint. Dkt. No. 14. For the reasons stated below, the Court GRANTS the request for judicial notice.


"Generally, a district court may not consider material beyond the pleadings in ruling on a Rule 12(b)(6) motion." *Hal Roach Studios, Inc. v. Richard Feiner & Co.*, 896 F.2d 1542, 1555 n.19 (9th Cir. 1990). However, under Federal Rule of Evidence 201, a court may take judicial notice of "matters of public record" that are not subject to reasonable dispute. *Lee v. City of L.A.*, 250 F.3d 668, 689 (9th Cir. 2001) (quoting *Mack v. South Bay Beer Distribs.*, 798 F.2d 1279, 1282 (9th Cir. 1986)). Courts "may judicially notice a fact that is not subject to reasonable dispute because it: (1) is generally known within the trial court's territorial jurisdiction; or (2) can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned." Fed. R. Evid. 201(b).

Defendant requests the Court take judicial notice that EPA estimated that 2020-2022 model-year Chevrolet Bolts have a total range of 259 miles. Dkt. No. 14 at 2. Defendant argues that taking judicial notice of this data is proper because it is not subject to reasonable dispute and is publicly

1 available on the EPA's website.<sup>1</sup> *Id.* The Court finds it proper to take judicial notice of this data.  
2 *See Jarose v. Cnty. of Humboldt*, 2020 WL 999791, at \*4 (N.D. Cal. Mar. 2, 2020) (taking judicial  
3 notice of data publicly available on the EPA's website); *Daniels-Hall v. National Educ. Ass'n*, 629  
4 F.3d 992, 998-99 (9th Cir. 2010) (taking judicial notice of information made publicly available on  
5 school district websites). The Court therefore GRANTS defendant's request for judicial notice.

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7 **IT IS SO ORDERED.**

8 Dated: November 6, 2023

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10 SUSAN ILLSTON  
11 United States District Judge  
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28 <sup>1</sup> The referenced data is available at:  
<https://www.fueleconomy.gov/feg/Find.do?action=sbs&id=42191&id=43663&id=43955>